

AUSA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
Uriel HERNANDEZ  
  
Defendant.

Magistrate Case No.:


**'08 MJ 84 4 1**

COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

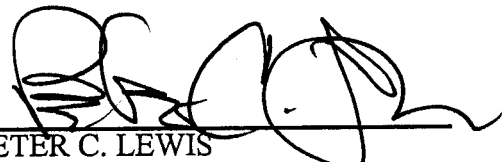
The undersigned complainant being duly sworn states:

That on or about May 16, 2008, within the Southern District of California, defendant Uriel HERNANDEZ did knowingly and intentionally import approximately 37.70 kilograms (82.94 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Probable Cause Statement incorporated herein by reference.

  
Chad Worgen, Special Agent  
U.S. Immigration and  
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 19th  
DAY OF MAY 2008.

  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

### PROBABLE CAUSE STATEMENT

I, Special Agent Chad N. Worgen with United States Immigration and Customs Enforcement, declare under penalty of perjury, the following is true and correct:

On May 16, 2008, at approximately 1230 hours, Uriel HERNANDEZ applied for entry at the Calexico, California West Port of Entry lane # 9 driving a 1988 Jeep Cherokee with California license plate number 3AVN126. Customs and Border Protection Officer (CBPO) S. Pimentel was assigned primary inspection duties. CBPO Pimentel received a negative oral Customs declaration from HERNANDEZ. While CBPO Pimentel was conducting an inspection of the vehicle, he observed HERNANDEZ watching him through the rear view mirror. CBPO Pimentel referred both HERNANDEZ and the vehicle to the secondary lot for an intensive inspection.

At approximately 1240 hours, CBPO J. Becerra was assigned vehicle secondary inspection duties and observed HERNANDEZ driving the Jeep Cherokee. CBPO Becerra approached HERNANDEZ and asked him if he had anything to declare, and he stated he was bringing only potato chips. HERNANDEZ stated he owned the vehicle for approximately five months; however, it was still registered in his friend's name.

At approximately 1240 hours, Canine Enforcement Officer (CEO) S. Barela screened the vehicle with his Narcotics Human Detector Dog (NHDD). CEO Barela informed CBPO Becerra that his NHDD had alerted to the vehicle. Upon further inspection of the vehicle, CBPO Becerra discovered a non-factory compartment located in the roof. The compartment was opened and packages were discovered. CBPO Becerra probed a package, and it produced a green leafy substance that tested positive for marijuana. A total of 35 packages of marijuana were extracted from the compartment with a total weight of 37.70 kilograms (82.94 pounds).

HERNANDEZ was arrested for violation of Title 21 United States Code 952 and 960, Importation of a Controlled Substance. HERNANDEZ was read his Miranda rights, which he acknowledged and waived. HERNANDEZ stated he knew marijuana was concealed within the vehicle. HERNANDEZ stated he knew it was illegal to import marijuana into the United States. HERNANDEZ stated he was to be paid \$2,500.00 to complete the smuggling operation. HERNANDEZ was processed and transported to the Imperial County Jail.

Executed on May 17, 2008, at approximately 1215 hours

Chad N. Worgen S/A  
Chad N. Worgen, Special Agent

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 16, 2008, in violation of Title 21, United States Code, Sections 952 and 960.

Anthony J. Battaglia  
Anthony J. Battaglia, U.S. Magistrate Judge

5/17/08 1:10 PM  
Date/Time